IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. NO. 6610 (ss) OF 2001
(Old No. 5559 of 1996)

1. Ashok Kumar,
   aged about 37 years,
   S/o Sri Dhan Bahadur,
   R/o M.D.D.A.,
   12-Preetam Road, Dehradun.
2. Bhag Singh,
   Aged about 31 years
   S/o Sri Bulak Singh,
   R/o M.D.D.A.,
   12-Preetam Road, Dehradun.
3. Rajeswar Prasad,
   Aged about 26 years,
   S/o Sri Prem Singh,
   R/o M.D.D.A.,
   Preetam Road, Dehradun.
4. Awtar Singh, Aged about 27 years,
   S/o Sri Shiv Singh, R/o M.D.D.A.
   12-Preetam Road, Dehradun.
5. Surendra Kumar,
   Aged about 27 years,
   S/o Sri Phalo Ram,
   R/o M.D.D.A.,
   12-Preetam Road, Dehradun.

.....Petitioners.

Versus

1. State of Uttaranchal, through Principal Secretary, Avas Evam Grah, Secretariat, Dehradun.
2. Vice Chairman, Mussoorie Dehradun Development Authority, Dehradun.
3. Secretary, Mussoorie Dehradun Development Authority, Dehradun. .....Opposite Parties.

Sri Raman Kumar Shah, learned counsel for the petitioners.
Learned Standing Counsel

Dated: 07.03.2006

Hon'ble Rajesh Tandon, J.

Heard both the parties at length.

By the preset writ petition, the petitioners have prayed for a writ of mandamus commanding the opposite parties to regularize the service of the petitioners on the post of Driver in accordance with the provisions of law. Further to pay them salary of regular pay-scale and consequential benefits.

Briefly stated, the petitioners were initially appointed on daily wage basis in the Mussoorie Dehradun Development Authority, Dehradun as under:-

Sl. No.	Petitioners	Date of Initial appointment.	Educational Qualification
1	Ashok Kumar	January-89	8th Pass
2	Bhag Singh	April-90	VIIIth Pass
3	Rajesh Prashad	July-89	IXth Pass
4	Awatar Singh	20-2-92	VIIIth Pass
5	Surendra Kumar	November-92	VIIIth Pass

Learned counsel for the petitioners has submitted that although they have been directed to perform their duty on daily wage basis, but looking into the need of the work and post, there is need for sanction and creation of post in the development authority. The petitioners have also claimed that they are entitled for the salary like regular employees and therefore, they are entitled for their regularization as well as for regular pay-scales, which have been paid to the regular employee.

In view of the above, I direct the respondents to consider the representations of the petitioners in accordance with law after hearing both the parties within a period of two months.

Accordingly, writ petition is allowed.

(Rajesh Tandon, J.)

Dated: 07.03.2006
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